

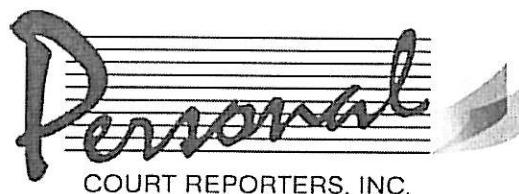
In the Matter of:

Elia Leon vs. Larry A. Payne

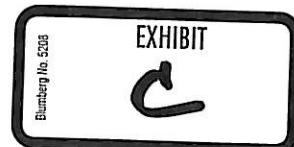
Federico Martinez-Leandro, Volume 1

11/08/2013

Job #: 24428



(818)988-1900



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11:23:39 1	Q. After you passed the car, you looked in your mirror and noticed that it was behind you a ways?	11:28:11 1	MR. CUFF: Objection, form. Form. Objection, form.	11:28:18 2	THE WITNESS: Once I pulled the steering wheel?		
11:23:51 2		11:28:33 3	BY MR. BARBER:	11:28:33 4	Q. Yes.		
11:23:58 3	A. Yes.	11:28:35 5		11:28:47 6	A. I woke -- I woke up, and I moved. And I felt my		
11:23:58 4	Q. So you made a decision that it was a safe distance	11:28:55 7		11:29:06 8	whole body was hot, and I started looking around and		
11:24:04 5	behind you and -- and you -- and you moved back into the right	11:29:10 9		11:29:24 10	everything. There was no door. There was no windshield. And		
11:24:12 6	lane; true?	11:29:27 11		11:29:39 12	I started touching my body. I touched my head because it hurt,		
11:24:15 7	MR. CUFF: Objection, form.	11:29:45 13		11:30:17 14	and it was covered in blood. And I tried to get up, but I was		
11:24:19 8	THE WITNESS: Yes.	11:30:31 15		11:30:38 16	unable to because I was hurt, right here. I had hurt my back,		
11:24:20 9	BY MR. BARBER:	11:31:07 17		11:31:07 18	here. And also, I had the seatbelt on.		
11:24:30 10	Q. When you did that -- well, by that, I mean when you	11:31:14 19		11:31:14 20	And I started asking, like, two people that were down		
11:24:37 11	moved back into the right lane. Can you estimate how close you	11:31:32 21		11:31:32 22	there. I asked them in Spanish and English where was Martin,		
11:24:45 12	were to the truck?	11:31:47 23		11:31:47 24	and they didn't answer. And so I -- I got off. I took my		
11:24:46 13	A. The one that I impacted?	11:31:56 25		11:32:05 26	seatbelt off, and I got off. And they held on to me at the		
11:24:52 14	Q. Yes.	11:32:15 27		11:32:20 28	steps. And I asked them again where my partner was. And they		
11:24:54 15	A. I was far.	11:32:20 29		11:32:20 30	told me to sit down, to just stay seated.		
11:25:05 16	Q. Okay. Even when you got back into the right lane,	11:31:19 31		11:31:19 32	I asked them again, "Where is Martin?" "Where is		
11:25:12 17	you still thought you were a far distance from that truck;	11:31:32 33		11:31:32 34	Martin Leon?" I asked them in English and in Spanish. And		
11:25:18 18	true?	11:31:47 35		11:31:47 36	they said, "Just stay there and be calm." And they asked me if		
11:25:18 19	MR. CUFF: Objection, form.	11:31:56 37		11:31:56 38	I knew the time, if I knew the date, if I knew the year. And I		
11:25:22 20	THE WITNESS: Yes.	11:32:05 39		11:32:05 40	told them the date and everything that they asked. And I asked		
11:25:23 21	BY MR. BARBER:	11:32:15 41		11:32:15 42	again about my partner.		
11:25:26 22	Q. Was that truck still in the -- on the shoulder?	11:32:20 43		11:32:20 44	And then from afar, I heard a voice that said to me,		
11:25:34 23	MR. CUFF: Objection, form.	11:32:20 45		11:32:20 46	"I'm sorry, man, your friend has passed away." I don't		
11:25:36 24	THE WITNESS: Yes.	11:32:20 47					
11:25:37 25	///	11:32:20 48					
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11:25:37 1	BY MR. BARBER:	11:32:31 1	remember anything else.	11:32:31 2	BY MR. BARBER:		
11:25:44 2	Q. Do you know whether or not the truck left the	11:32:33 3		11:32:33 4	Q. Do you know who you were talking to? Were they		
11:25:49 3	shoulder? Did it pull out onto the highway?	11:32:38 5	police officers or medical people?	11:32:42 6	A. No.		
11:25:56 4	A. When I switched to the right lane once I noticed that	11:32:46 7		11:32:46 8	Q. Did you ever meet the driver of the other truck?		
11:26:13 5	the car was left behind, I saw that both lanes were empty, and	11:32:50 9		11:32:50 10	A. No.		
11:26:21 6	I switched to the right. When I looked forward, the truck was	11:32:57 11		11:32:57 12	Q. Did he -- either of the drivers in the other truck		
11:26:29 7	already in front of me.	11:33:03 13	ever come and talk to you?	11:33:04 14	A. I don't remember who I spoke with. I don't remember		
11:26:31 8	Q. So when you looked forward, was it right in front of	11:33:15 15	who it was.	11:33:15 16	Q. Before the crash, what speed were you driving?		
11:26:37 9	you?	11:33:16 17		11:33:29 18	A. The truck was governed, so that's at around 70.		
11:26:37 10	A. Almost.	11:33:41 19		11:33:52 20	Q. This happened about 11:00 o'clock at night; true?		
11:26:41 11	Q. Okay. So you were in the process of checking in your	11:33:41 21		11:33:41 22	A. Between 11:00 and midnight but Albuquerque, New		
11:26:49 12	mirror to make sure you had room to get back into the right	11:34:07 23	Mexico time.	11:34:07 24	Mexico time.		
11:26:52 13	lane?	11:34:07 25		11:34:07 26	Q. Yes. When -- was the road clear?		
11:26:52 14	A. Yes.	11:34:16 27		11:34:16 28	A. Yes.		
11:26:59 15	Q. Okay. And after you did that, then you were -- you	11:34:17 29		11:34:17 30	Q. By that, I mean, there was no snow or rain or		
11:27:08 16	were -- you were very close to the truck; true?	11:34:25 31	anything?	11:34:25 32	A. No, there wasn't.		
11:27:12 17	A. When I switched and when I looked ahead forward,	11:34:26 33		11:34:26 34	Q. And the highway at that place, was it straight?		
11:27:23 18	that's when the truck was in front -- almost right there in	11:34:27 35		11:34:27 36	A. Yes.		
11:27:27 19	front of me.	11:34:37 37		11:34:37 38	Q. Were there any hills that you remember?		
11:27:27 20	Q. Okay. At any time did you see any emergency flashers	11:34:38 39		11:34:38 40	A. No.		
11:27:34 21	on that truck ahead of you?	11:34:42 41					
11:27:35 22	A. No. I just saw red ones.						
11:27:46 23	Q. They were not flashing?						
11:27:49 24	A. No.						
11:27:51 25	Q. What do you remember about the crash itself?						